

JOINTLY SUBMITTED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CM CAPITAL SERVICES, LLC, d/b/a
CONSOLIDATED MORTGAGE f/k/a
CONSOLIDATED MORTGAGE LLC

Plaintiff,

vs.

STEWART TITLE OF NEVADA; DOES I-
X; and ROE CORPORATIONS XI-XX,
inclusive,

Defendants.

STEWART TITLE OF NEVADA
HOLDINGS, INC.,

Third-Party Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver for Franklin
Bank, S.S.B.; DOES I-X; and ROE
BUSINESS ENTITIES I through X,

Third-Party Defendants.

CONSOLIDATED MORTGAGE, a Nevada
limited liability company,

Cross-claimant,

Case No. 10-CV-00317-JCM-(LRL)

(Consolidated with Adv. Proceeding 09-01114)

**STIPULATION AND ORDER TO
DISMISS ACTION, WITH PREJUDICE**

1 vs.

2 TERRA CONTRACTING, INC.; FEDERAL
3 DEPOSIT INSURANCE CORPORATION,
4 as Receiver for Franklin Bank, S.S.B.; and
5 MULTIBANK 2009-1 CML-ADC
6 VENTURE, LLC,

Cross-Defendants.

7 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff/Cross-claimant CM
8 Capital Services, LLC, d/b/a Consolidated Mortgage f/k/a Consolidated Mortgage LLC, Defendant
9 Stewart Title Of Nevada, Third Party Plaintiff Stewart Title Of Nevada Holdings, Inc., Third Party
10 Defendant/Cross Defendant Federal Deposit Insurance Corporation and Cross Defendant
11 Multibank 2009-1 CML-ADC Venture, LLC, by and through their attorneys, hereby stipulate and
12 agree to dismiss this matter in its entirety, with prejudice, each party to bear its own attorneys' fees
13 and costs.

14 DATED this 22nd day of January, 2013

15 LIONEL SAWYER & COLLINS

16 By: /s/ Robert Hernquist
17 Rodney M. Jean, Nevada Bar No. 1395
18 Robert Hernquist, Nevada Bar No. 10616
19 300 South Fourth Street, Ste. 1700
20 Las Vegas, Nevada 89101

21 --- AND ---

22 Jay M. Sakalo (*pro hac vice*)
23 BILZIN SUMBERG BAENA PRICE &
24 AXELROD LLP
1450 Brickell Avenue, 23rd Floor
Miami, Florida 33131-3456

25 *Attorneys for Cross-Defendant Multibank*
26 *2009-1 CML-ADC Venture, LLC*

DATED this 22nd day of January, 2013

FOLEY & LARDNER LLP

By: /s/ Patrick T. Wong
Eileen Ridley (*pro hac vice*)
Patrick T. Wong (*pro hac vice*)
Nan Chen (*pro hac vice*)
555 California Street, Suite 1700
San Francisco, CA 94104

--- AND ---

Peter C. Brown, Nevada Bar No. 5887
BREMER, WHYTE, BROWN & O'MEARA,
LLP
7670 W. Lake Mead Blvd., #225
Las Vegas, NV 89128

Attorneys for Cross-Claimant Consolidated
Mortgage, LLC in its cross-claims against
Multibank and FDIC-R

1
2 DATED this 22nd day of January, 2013

3 MARKUS WILLIAMS YOUNG &
4 ZIMMERMANN, LLC

5 By: /s/ Jeffrey O. McAnallen
6 James T. Markus (*pro hac vice*)
7 Jeffrey O. McAnallen (*pro hac vice*)
8 Jennifer Salisbury (*pro hac vice*)
1700 Lincoln Street, Suite 4000
Denver, CO 80203

9 -- AND --

10 Jeffrey S. Sandell (*pro hac vice*)
11 FDIC, Legal Division, Litigation Section
12 1601 Bryan St, 15th Floor
Dallas, TX 75201

13 -- AND --

14 Michael B. Wixom, Nevada Bar No. 2812
15 SMITH LARSEN & WIXOM
16 Hill Center Business Park
1935 Village Center Circle
Las Vegas, NV 89134

17 *Attorneys for Third Party Defendant/Cross-*
18 *Defendant Federal Deposit Insurance*
19 *Corporation, as Receiver for Franklin Bank*
S.S.B.

DATED this 22nd day of January, 2013

WOODS ERICKSON WHITAKER &
MAURICE, LLP

By: /s/ Aaron R. Maurice
Aaron R. Maurice, Nevada Bar No. 6412
Scott R. Taylor, Nevada Bar No. 10245
1349 Galleria Drive, Suite 200
Henderson, NV 89014

Attorneys for Defendant/Third Party Plaintiff
Stewart Title of Nevada/Stewart Title of
Nevada Holdings, Inc.

20 DATED this 22nd day of January, 2013

21 SHEA & CARLYON, LTD.

22 By: /s/ Candace C. Carlyon
23 Candace C. Carlyon, Nevada Bar No. 2666
24 701 E. Bridger Avenue, Suite 850
Las Vegas, NV 89101

25 *Attorney for Plaintiff CM Capital Services, LLC*
26 *solely with respect its claims against Stewart*
27 *Title of Nevada/Stewart Title of Nevada*
28 *Holdings, Inc.*

ORDER

IT IS HEREBY ORDERED that, based upon the foregoing stipulation, this action shall be and hereby is dismissed in its entirety, with prejudice, with each party to bear its own attorneys' fees and costs.


UNITED STATES DISTRICT JUDGE

DATED: January 30, 2013